IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2930 of 1997

Between:

1. K. Damodar Rao S/o. Jagannadha Rao, aged 47 years,
   Lab Assistant, Kakateeya University, Warangal.

2. S. Ramanna, S/o. Durgaiah, aged 46 years,
   Lab Assistant, Kakateeya University, Warangal.

3. G.D. Rama Rao, S/o. Rama Rao, aged 46 years,
   Lab Assistant, Kakateeya University, Warangal.

4. V. Ramesh Babu, S/o. Narasimha Rao, aged 51 years,
   Lab Assistant, Kakateeya University, Warangal.

5. D. Bixapathi, D/o. Ramaswamy, aged 50 years,
   Lab Assistant, Kakateeya University, Warangal.

6. G. Ram Narayana, S/o. Jogaiah, aged 49 years,
   Lab Assistant, Kakateeya University, Warangal.

7. B. Laxminarayana, S/o. Ilaiah, aged 45 years,
   Lab Assistant, Kakateeya University, Warangal.

8. Dr. B. Proloram, S/o. Kanaka Ram, aged 45 years,
   Lab Assistant, Kakateeya University, Warangal.

9. K. Shankaraiah, S/o. Sayanna, aged 47 years,
   Lab Assistant, Kakateeya University, Warangal.

10. B. Kaladhar, S/o. Odaiah, aged 46 years,
    Lab Assistant, Kakateeya University, Warangal.

..... PETITIONERS

AND

1. The Registrar, Kakateeya University,
   Warangal.

2. The Registrar & Secretary, Executive Council, Kakateeya University,
   Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled to be considered for appointment to the post of Asst. Registrars in the scale of 3640-7580 pursuant to Notification No. 66/A3/KU/1997, dated 31.1.1997 by treating the Lab-Assistants carrying the scale of Superintendents as one of the eligible internal cadres on par with Superintendents, which was hitherto been followed as, is evident from Notification dated 8.11.1991 with all consequential benefits by holding the action of the respondents in not considering the claims of the petitioners for the posts of Assistant Registrars on par with Superintendent vide Notification No.66/A3/KU/1997, dated 31.1.1997 in deviation of the earlier Notification without any valid reasons or jurisdiction with a view to confer undue benefit to the cadre of Superintendents in utter disregard to the claims of the Lab-Assistants is as illegal, arbitrary, discriminatory and subversive of Articles 14, 16 and 21 of the Constitution.

Counsel for the Petitioners: MR.D.LINGA RAO

Counsel for the Respondents: MR.B.NARAYANA REDDY (SC FOR UNIVERSITY)

The Court made the following :

O R D E R:

This writ petition is filed by the petitioners, who were ten in number, seeking writ of Mandamus declaring that the petitioners are entitled to be considered for appointment to the post of Assistant Registrars pursuant to the notification dated 31.01.1997 by treating the Lab-Assistants, carrying the scale of Superintendents, as one of the eligible internal cadres on par with the Superintendents which was hitherto followed as is evident from notification dated 08.11.1991 with all consequential benefits.

2. According to the petitioners, all of them are working as Lab-Assistants under the control of the respondents' university having been appointed between 1970 and 1980. They are drawing a pay scale of 2600-5580/3110-6380. Their further case is that the Lab-Assistants and the Superintendents were carrying on same scale of pay since the petitioners' appointment as Lab-Assistants. Therefore, they should be treated on par with the Superintendents. The petitioners' further case is that in the year 1991 the respondents' university issued a notification calling for applications for filling up the post of Assistant Registrar prescribing the eligibility of candidates having minimum 8 years regular service in the pay scale of 1100 to 2050. Basing on the said notification one M.Bhaskar, who was working as Lab-Assistant was appointed as Assistant Registrar by proceedings dated 20th March 1992, but, however, contrary to the said earlier notification and the proceedings appointing the said M.Bhaskar in the year 1997 i.e., on 31.01.1997 another notification was issued calling for applications for filling up the post of Assistant Registrar confining the eligibility only from the internal candidates working as Superintendents. Therefore, the petitioners have

come up with the present writ petition seeking writ of Mandamus to the respondent university, declaring that the petitioners are eligible for consideration and accordingly the university has to consider their candidature for appointment.

3. At the time of hearing, the learned counsel for petitioners reiterated the contentions and sought for the relief.

4. The learned Standing Counsel, on the other hand, stated that though the University has formulated no specific Rules, the Rules that are being followed by the Osmania University had been adopted with reference to the pattern or promotion channels for promoting the employees of the University. Accordingly, it is stated that for filling up the post of Assistant Registrar by selection, only candidates working as Superintendents are eligible for being considered for appointment of Assistant Registrars. It is stated that the notification issued in the year 1991 is a special drive notification for filling up the post from out of the Scheduled Caste candidates. Further, as eligible and qualified Superintendents from Scheduled Caste candidates are not available, by a special resolution, the Rules were relaxed so as to make the candidates working in other posts are eligible, provided, they are carrying same scale of pay. Therefore, it is stated that the present notification issued in the year 1997 cannot be compared with that of 1991, which was issued as a special drive for recruitment of candidates from Scheduled Caste. Therefore, it is contended by the learned Standing Counsel that the petitioners are not eligible for being considered for appointment as Assistant Registrars.

5. Heard both sides and considered the material on record.

6. Admittedly, the petitioners are working as Lab-Assistants and they are seeking relief for being considered for appointment as

Assistant Registrars. As already referred to as per the Rules, only internal Superintendents are eligible for being considered for appointment by way of selection to fill up the post of Assistant Registrar. Though the petitioners relied upon a notification issued in the year 1991, as already observed, the said notification was issued relaxing the Rules by the University, for filling up a post of Assistant Registrar from out of the Scheduled Caste candidates, as there were no suitable and eligible Superintendents from among the Scheduled Caste candidates. Therefore, such relaxation cannot be extended to the petitioners with reference to the notification issued in the year 1997, which is a general notification issued by the University for filling up the post of Assistant Registrar. In view of the rule position, the petitioners, who were working as Lab-Assistants, are not eligible for being considered by way of selection as Assistant Registrar. Therefore, their claim is clearly devoid of merit.

7. The writ petition is, therefore, dismissed. No costs.

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S.ANANDA REDDY,J.

Date: 15th September 2004
BSB

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. The Registrar, Kakateeya University,
   Warangal.

2. The Registrar & Secretary, Executive Council, Kakateeya University,
   Warangal.

3. Two CD copies.